

HB0643/419233/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 643
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Racecourse at Timonium” and substitute “Use of Funds”; in line 4, after “of” insert “allocating Racetrack Facility Renewal Account funds to the Maryland Economic Development Corporation and the Bowie Race Course Training Center;”; in line 11, after “days;” insert “requiring the State Racing Commission to certify certain information to the Legislative Policy Committee; prohibiting a certain licensee, under certain circumstances, from applying for certain grants; providing that certain grants may not be paid from certain allocations; authorizing a certain racing licensee or parent organization to enter into certain agreements with the Corporation to facilitate the issuance of certain bonds or other financing; providing for the requirements of a certain agreement; establishing a certain development review board; requiring the Governor, the President of the Senate, and the Speaker of the House of Delegates to each appoint one member to the board; requiring that a member of the board be a certain type of judge; requiring the owner of real property at Pimlico Race Course to submit, under certain circumstance, certain information to the board; requiring the board to provide a certain notification; requiring the owner of real property at Pimlico Race Course to provide, under certain circumstances, a certain report to the Legislative Policy Committee; requiring the owner of real property at Pimlico Race Course to pay, under certain circumstances, a certain penalty; requiring certain information to be considered confidential and proprietary; requiring the Comptroller to make a certain payment to the Corporation; prohibiting the Comptroller from making certain payments under certain circumstances; stating the intent of the General Assembly;”; in line 16, after “Section” insert “9-1A-27(a)(5) and”; and after line 18, insert:

“BY adding to
Article - State Government

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Section 9-1A-29.1
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)".

AMENDMENT NO. 2

On page 1, after line 21, insert:

"9-1A-27.

(a) Except as provided in subsections (b) and (c) of this section and § 9-1A-26(a)(3) of this subtitle, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(5) [(i) until the issuance of a video lottery operation license in Baltimore City, 1.75% to the Racetrack Facility Renewal Account established under § 9-1A-29 of this subtitle and distributed in accordance with that section; and

(ii) on or after the issuance of a video lottery operation license in Baltimore City.] **SUBJECT TO § 9-1A-29.1 OF THIS SUBTITLE, 1% to the Racetrack Facility Renewal Account established under § 9-1A-29 of this subtitle and distributed in accordance with that section, not to exceed a total of \$20,000,000 to the Account annually;**"

AMENDMENT NO. 3

On page 2, in line 2, after "(a)" insert:

"(1) THE REQUIREMENTS OF SUBSECTION (H) OF THIS SECTION DO NOT APPLY TO FUNDS PAID TO THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION UNDER § 9-1A-29.1 OF THIS SUBTITLE.

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(2)”;

in line 29, after “(1)” insert “**SUBJECT TO SUBSECTION (L) OF THIS SECTION, FROM**”;
in the same line after “80%” insert “**OF THE AMOUNT OF FUNDS AVAILABLE:**

(I) NOT MORE THAN 66% EACH YEAR TO THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION UNDER § 9-1A-29.1 OF THIS SUBTITLE; AND

(II) THE REMAINING AMOUNT”;

and in the same line, after the second comma insert “**THE BOWIE RACE COURSE TRAINING CENTER,**”.

AMENDMENT NO. 4

On page 3, in lines 18 and 21, strike “**1.**” and “**2.**”, respectively, and substitute “**(1)**” and “**(2)**”, respectively.

AMENDMENT NO. 5

On page 4, in line 8, after “(i)” insert:

“(1) IF BONDS ARE ISSUED OR OTHER FINANCING IS PROVIDED IN ACCORDANCE WITH § 9-1A-29.1 OF THIS SUBTITLE TO CONSTRUCT IMPROVEMENTS AND CAPITAL FACILITIES AT LAUREL PARK AND ON THE GROUNDS OF THE BOWIE RACE COURSE TRAINING CENTER:

(I) THE STATE RACING COMMISSION SHALL CERTIFY TO THE LEGISLATIVE POLICY COMMITTEE THAT THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION HAS ISSUED BONDS OR PROVIDED FINANCING

(Over)

SUFFICIENT TO COMPLETE THE CAPITAL CONSTRUCTION PLAN APPROVED UNDER SUBSECTION (E) OF THIS SECTION;

(II) AFTER THE CERTIFICATION IS PROVIDED UNDER ITEM (I) OF THIS PARAGRAPH, A HOLDER OF A LICENSE TO HOLD A RACE MEETING IN THE STATE MAY NOT APPLY FOR ADDITIONAL GRANTS FOR LAUREL PARK OR THE BOWIE RACE COURSE TRAINING CENTER; AND

(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER REQUIREMENT OF THIS SUBTITLE AND IN ACCORDANCE WITH A PLAN APPROVED BY THE CITY OF BALTIMORE, THE CITY OF BALTIMORE OR THE HOLDER OF A LICENSE TO HOLD A RACE MEETING AT PIMLICO RACE COURSE MAY APPLY FOR A GRANT FROM THE ACCOUNT FOR THE REDEVELOPMENT OF THE REAL PROPERTY AT PIMLICO RACE COURSE.

(2) A GRANT FOR THE REDEVELOPMENT OF THE REAL PROPERTY AT PIMLICO RACE COURSE MAY NOT BE PAID FROM ANY AMOUNT ALLOCATED FOR:

(I) THE RACECOURSE AT TIMONIUM;

(II) ROSECROFT RACEWAY AND OCEAN DOWNS RACE COURSE UNDER SUBSECTION (D)(2) OF THIS SECTION; OR

(III) THE PAYMENT REQUIRED UNDER § 9-1A-29.1(G) OF THIS SUBTITLE.

(3)";

after line 15, insert:

“(L) IF THE COMPTROLLER PAYS ANY AMOUNT OF THE ALLOCATION UNDER SUBSECTION (D)(1) OF THIS SECTION TO THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION AS REQUIRED UNDER § 9-1A-29.1 OF THIS SUBTITLE, THE AMOUNT OF ANY PAYMENT SHALL REDUCE THE AMOUNT ALLOCATED TO LAUREL PARK AND THE BOWIE RACE COURSE TRAINING CENTER UNDER SUBSECTION (D)(1)(II) OF THIS SECTION AND MAY NOT REDUCE THE AMOUNT ALLOCATED TO THE RACECOURSE AT TIMONIUM OR THE ENTITIES UNDER SUBSECTION (D)(2) OF THIS SECTION.

9-1A-29.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CORPORATION” MEANS THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION ESTABLISHED UNDER § 10-105 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(3) “RACING LICENSEE” MEANS THE HOLDER OF A LICENSE ISSUED BY THE STATE RACING COMMISSION TO HOLD A RACE MEETING AT LAUREL PARK UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE.

(B) (1) A RACING LICENSEE AND THE OWNER OF THE BOWIE RACE COURSE TRAINING CENTER, ACTING INDIVIDUALLY, JOINTLY, OR THROUGH A PARENT ORGANIZATION, MAY ENTER INTO NECESSARY AGREEMENTS WITH THE CORPORATION TO FACILITATE THE ISSUANCE OF BONDS OR OTHER FINANCING TO CONSTRUCT IMPROVEMENTS AND CAPITAL FACILITIES AT LAUREL PARK AND ON THE GROUNDS OF THE BOWIE RACE COURSE TRAINING CENTER.

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(2) AT LEAST 15 DAYS BEFORE ENTERING AN AGREEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CORPORATION SHALL NOTIFY, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE LEGISLATIVE POLICY COMMITTEE OF ITS INTENT TO ENTER INTO THE AGREEMENT.

(C) AN AGREEMENT UNDER SUBSECTION (B) OF THIS SECTION SHALL REQUIRE:

(1) THE RACING LICENSEE, THE OWNER OF THE BOWIE RACE COURSE TRAINING CENTER, OR THE PARENT ORGANIZATION OF BOTH TO:

(I) PAY FOR AT LEAST 50% OF THE TOTAL COSTS ASSOCIATED WITH THE BONDS OR FINANCING, INCLUDING DEBT SERVICE AND REPAYMENT OF PRINCIPAL, INTEREST, AND FEES; AND

(II) PROVIDE COLLATERAL IN AN AMOUNT SUFFICIENT TO COVER THE TOTAL AMOUNT OF THE BONDS ISSUED OR THE FINANCING PROVIDED;

(2) BEFORE THE CORPORATION ISSUES BONDS OR OTHER FINANCING, APPROVAL BY THE STATE RACING COMMISSION OF THE PLANS FOR ANY RACETRACK IMPROVEMENTS OR CAPITAL PROJECTS AT LAUREL PARK OR THE BOWIE RACE COURSE TRAINING CENTER;

(3) THE CORPORATION, IN CONSULTATION WITH THE STATE RACING COMMISSION, TO MONITOR THE IMPLEMENTATION OF THE PLANS APPROVED BY THE STATE RACING COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION;

(4) BEFORE THE CORPORATION ISSUES BONDS OR OTHER FINANCING, CERTIFICATION BY THE DEVELOPMENT REVIEW BOARD ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION THAT THE OWNER OF THE REAL PROPERTY AT PIMLICO RACE COURSE HAS:

(I) ENTERED INTO A DEVELOPMENT AGREEMENT FOR THE REAL PROPERTY AT PIMLICO RACE COURSE THAT THE BALTIMORE DEVELOPMENT CORPORATION HAS APPROVED;

(II) IN ACCORDANCE WITH §§ 13-301 THROUGH 13-304 OF ARTICLE 32 OF THE BALTIMORE CITY CODE, HAD AN AMENDMENT TO THE EXISTING PLANNED UNIT DEVELOPMENT FOR THE REAL PROPERTY AT PIMLICO RACE COURSE RECOMMENDED FOR FULL APPROVAL BY THE PLANNING COMMISSION AND INCLUDED IN THE PLANNING COMMISSION'S REPORT FOR CONSIDERATION BY THE CITY COUNCIL OF BALTIMORE CITY;

(III) FINALIZED A CONTRACT FOR SALE OR TRANSFER OF THE REAL PROPERTY AT PIMLICO RACE COURSE TO A NONAFFILIATED THIRD PARTY, IN AN ARMS-LENGTH TRANSACTION, IF THE PURCHASER HAS SATISFIED EITHER REQUIREMENT UNDER ITEM (I) OR (II) OF THIS PARAGRAPH; OR

(IV) RECEIVED A WRITTEN WAIVER FROM THE CITY OF BALTIMORE FROM THE REQUIREMENTS OF THIS PARAGRAPH; AND

(5) BEFORE THE CORPORATION ISSUES BONDS OR OTHER FINANCING, THE OWNER OF LAUREL PARK OR THE BOWIE RACE COURSE TRAINING CENTER TO BEGIN CONSTRUCTION ON THE NEW DORMITORY FOR TRACK WORKERS THAT WAS APPROVED BY THE STATE RACING COMMISSION ON OR BEFORE JULY 1, 2019.

(Over)

(D) (1) THERE IS A DEVELOPMENT REVIEW BOARD TO REVIEW THE DEVELOPMENT OF THE REAL PROPERTY AT PIMLICO RACE COURSE.

(2) THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES SHALL EACH APPOINT ONE MEMBER TO THE DEVELOPMENT REVIEW BOARD ESTABLISHED UNDER THIS SUBSECTION.

(3) A MEMBER OF THE DEVELOPMENT REVIEW BOARD SHALL BE A RETIRED STATE APPELLATE JUDGE.

(E) (1) UNLESS THE CITY OF BALTIMORE WAIVES THE REQUIREMENTS OF THIS SUBSECTION, IF THE DEVELOPMENT REVIEW BOARD CERTIFIES THAT THE OWNER OF REAL PROPERTY AT PIMLICO RACE COURSE HAS SATISFIED A REQUIREMENT UNDER SUBSECTION (C)(4) OF THIS SECTION, THE OWNER SHALL SUBMIT FOR APPROVAL BY THE BOARD:

(I) DETAILS OF A PLAN FOR THE STABILIZATION OF THE REAL PROPERTY FOR ITS CONTINUED USE FOR RACING OR TRANSITION OF THE REAL PROPERTY TO AN ALTERNATIVE USE;

(II) THE ANTICIPATED FINANCING PLAN FOR THE PROJECT, INCLUDING THE FINANCING PLAN FOR PHASES OF THE PROJECT AND THE REASONABLE FEASIBILITY OF ACQUIRING FINANCING;

(III) THE COMMENCEMENT DATE OF THE PROJECT; AND

(IV) A TIMELINE THAT DEMONSTRATES COMPLETION OF THE PROJECT NOT LATER THAN 7 YEARS AFTER THE APPROVAL OF A FINAL DEVELOPMENT PLAN BY THE CITY COUNCIL OF BALTIMORE CITY.

(2) THE OWNER OF REAL PROPERTY AT PIMLICO RACE COURSE SHALL SUBMIT TO THE DEVELOPMENT REVIEW BOARD ALL COMMERCIALY REASONABLE MATERIAL THAT THE BOARD CONSIDERS NECESSARY TO:

(I) MAKE A FINDING UNDER THIS SUBSECTION; OR

(II) DETERMINE WHETHER TO ISSUE A CERTIFICATION UNDER SUBSECTION (C)(4) OF THIS SECTION.

(3) THE DEVELOPMENT REVIEW BOARD SHALL NOTIFY THE CORPORATION AND IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE THE LEGISLATIVE POLICY COMMITTEE OF ANY FINDINGS OR CERTIFICATIONS BY THE BOARD.

(4) ON OR BEFORE JANUARY 1 OF EACH YEAR AFTER THE ISSUANCE OF BONDS OR OTHER FINANCING BY THE CORPORATION, THE OWNER OF REAL PROPERTY AT PIMLICO RACE COURSE SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, TO THE LEGISLATIVE POLICY COMMITTEE ON THE PROGRESS TOWARDS COMPLETING THE PROJECT IN ACCORDANCE WITH THE FINAL DEVELOPMENT PLAN.

(5) IF THE OWNER OF REAL PROPERTY AT PIMLICO RACE COURSE FAILS TO COMPLETE THE PROJECT WITHIN 7 YEARS AFTER THE APPROVAL OF A FINAL DEVELOPMENT PLAN BY THE CITY COUNCIL OF BALTIMORE CITY AND IN ACCORDANCE WITH THE TIMELINE APPROVED UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE OWNER SHALL PAY TO THE MAYOR AND THE CITY COUNCIL OF BALTIMORE CITY \$1,000,000 EACH MONTH UNTIL THE PROJECT IS COMPLETE.

(Over)

(F) THE INFORMATION SUBMITTED UNDER SUBSECTION (E)(2) OF THIS SECTION SHALL BE CONSIDERED CONFIDENTIAL AND PROPRIETARY AND MAY NOT BE RELEASED WITHOUT THE CONSENT OF THE ENTITY PROVIDING THE INFORMATION.

(G) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE CORPORATION, AND IN AN AMOUNT DETERMINED BY THE CORPORATION ACCORDING TO THE DEBT SERVICE SCHEDULE, THE COMPTROLLER SHALL PAY TO THE CORPORATION THE AMOUNT ALLOCATED TO THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION UNDER § 9-1A-29(D)(1)(I) OF THIS SUBTITLE.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, PAYMENTS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONTINUE IN DURATION AND IN THE AMOUNTS REQUIRED BY THE CORPORATION, IN ACCORDANCE WITH THE TERMS OF THE BOND OR FINANCING AGREEMENTS.

(3) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMPTROLLER MAY NOT CONTINUE MAKING THE PAYMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE DEVELOPMENT REVIEW BOARD ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION DETERMINES THAT:

1. 21 MONTHS AFTER THE APPROVAL OF A FINAL DEVELOPMENT PLAN BY THE CITY COUNCIL OF BALTIMORE CITY THE DEVELOPMENT OF REAL PROPERTY AT PIMLICO RACE COURSE IS NOT AT LEAST 25% COMPLETE;

2. 42 MONTHS AFTER THE APPROVAL OF A FINAL DEVELOPMENT PLAN BY THE CITY COUNCIL OF BALTIMORE CITY THE DEVELOPMENT OF REAL PROPERTY AT PIMLICO RACE COURSE IS NOT AT LEAST 50% COMPLETE;

3. 63 MONTHS AFTER THE APPROVAL OF A FINAL DEVELOPMENT PLAN BY THE CITY COUNCIL OF BALTIMORE CITY THE DEVELOPMENT OF REAL PROPERTY AT PIMLICO RACE COURSE IS NOT AT LEAST 75% COMPLETE; AND

4. 84 MONTHS AFTER THE APPROVAL OF A FINAL DEVELOPMENT PLAN BY THE CITY COUNCIL OF BALTIMORE CITY THE DEVELOPMENT OF REAL PROPERTY AT PIMLICO RACE COURSE IS NOT 100% COMPLETE.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT PROHIBIT THE COMPTROLLER FROM MAKING THE PAYMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE DEVELOPMENT REVIEW BOARD CERTIFIES THAT THE OWNER OF REAL PROPERTY AT PIMLICO RACE COURSE HAS:

1. ENTERED INTO A DEVELOPMENT AGREEMENT UNDER SUBSECTION (C)(4)(I) OF THIS SECTION;

2. SOLD OR TRANSFERRED THE PROPERTY UNDER SUBSECTION (C)(4)(III) OF THIS SECTION; OR

3. RECEIVED A WRITTEN WAIVER FROM THE CITY OF BALTIMORE UNDER SUBSECTION (C)(4)(IV) OF THIS SECTION.

AMENDMENT NO. 6

On page 4, after line 15, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State Racing Commission, in exercising its approval authority over the racetrack improvements at Laurel Park and the Bowie Race Course Training Center:

(1) consult with the Maryland Thoroughbred Horsemen’s Association regarding the number of stalls and training–related facilities to be located at each of Laurel Park and the Bowie Race Course Training Center; and

(2) ensure that the funding plan, including the use of proceeds from the issuance of bonds or other financing by the Maryland Economic Development Corporation, for projects at Laurel Park and the Bowie Race Course Training Center appropriately reflect the costs of construction and allocation of the training–related facilities at each site.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State Racing Commission, in exercising its approval authority over the racetrack improvements at Laurel Park and the Bowie Race Course Training Center, ensure the requirements of § 9–1A–09(c) of the State Government Article, related to minimum standards for track worker housing, are satisfied.”;

and in line 16, strike “2.” and substitute “4.”.